

Translation

PATENT COOPERATION TREATY

PCT/JP2004/010902



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 664661	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/010902	International filing date (day/month/year) 23 July 2004 (23.07.2004)	Priority date (day/month/year) 25 July 2003 (25.07.2003)
International Patent Classification (IPC) or national classification and IPC A61C 1/08, A61B 19/00		
Applicant J. MORITA MANUFACTURING CORPORATION		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 18 February 2005 (18.02.2005)	Date of completion of this report 13 June 2005 (13.06.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ The international application as originally filed/furnished

☐ the description:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the claims:

pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The matter common to the inventions relating to claims 1-4 described in an independent form is "a maintenance device for a dental hand piece, comprising a fluid supply part for supplying fluid to a hand piece chuck structural part detachably holding a rotary tool."

However, this matter is not a new matter as described in JP, 9-56733 (Rinkai K.K.), March 4, 1997 (03.04.97); therefore this common matter is not a special technical feature in the meaning of PCT Rule 13.2, paragraph 2.

Also, there is no other common matter that can be considered as a special technical feature in the meaning of PCT Rule 13.2, paragraph 2 between the inventions relating to claims 1-3 and the invention relating to claim 4.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement	Novelty (N)	Claims	1-7	YES
		Claims		NO
Inventive step (IS)		Claims	2	YES
		Claims	1, 3-7	NO
Industrial applicability (IA)		Claims	1-7	YES
		Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP, 9-56733, A (Rinkai K.K.), March 4, 1997 (03.04.97), Full text, all drawings
 Document 2: JP, 2001-70319, A (K.K. Osada Central Laboratory), March 21, 2001 (03.21.01), Full text, all drawings
 Document 3: JP, 2587001, B2 (Nakanishi Inc.), March 5, 1997 (03.05.97), Full text, all drawings

The inventions relating to claims 1, 3 and 7 do not appear to involve an inventive step based on documents 1-3 cited in the ISR. Combining means for supplying maintenance fluid to the hand piece chuck structural part described in documents 1 and 2 and means for supplying maintenance fluid to the hand piece bearing part described in document 3 would be easy for a party skilled in the art.

Supplying maintenance fluid to the cleaning tank (1) of document 1 is a matter of design variation that could be appropriately conceived of by a party skilled in the art; therefore the invention relating to claim 4 does not appear to involve an inventive step.

The invention relating to claim 5 does not appear to involve an inventive step based on documents 2 and 3. Combining means for supplying maintenance fluid to the hand piece chuck structural part described in document 2 and means for supplying maintenance fluid to the hand piece bearing part described in document 3 would be easy for a party skilled in the art.

The invention relating to claim 6 does not appear to involve an inventive step based on documents 1 and 3. Combining means for supplying maintenance fluid to the hand piece chuck structural part described in document 1 and means for supplying maintenance fluid to the hand piece bearing part described in document 3 would be easy for a party skilled in the art.

The maintenance device comprising a connection binder having a connection part and first and second fluid supply parts is not described in any of documents 1-3; nor is this obvious to a party skilled in the art.